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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Stuart Bentley et al.

Group Art Unit: Unassigned

Application No.: 10/816,832

Examiner: Unassigned

Filing Date: April 5, 2004

Confirmation No.: Unassigned

Title: METHOD AND APPARATUS FOR ADJUSTING A SLUMP IN WASHING CONCRETE MIXING TRUCKS

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ Terminal Disclaimer(s) and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☒ Also enclosed is/are Petition Under 37 C.F.R. 1.47(a); Statement of Facts Under 37 C.F.R. 1.47(a) signed by William C. Rowland; Statement of Facts Under 37 C.F.R. 1.47(a) signed by Timothy A. Power; and a copy of Declaration and Power of Attorney
- _____
- _____
- _____
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$385.00 (2801) ☐ \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted _____
- _____
- on _____,
- for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	28	MINUS 28 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	5	MINUS 5 =	0	x \$86.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

- ☒ A check in the amount of \$ 130.00 is enclosed for the fee due.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: June 16, 2004

By William C. Rowland
William C. Rowland
Registration No. 30,888



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Stuart Bentley et al.)	Group Art Unit: Unassigned
Application No. 10/816,832)	Examiner: Unassigned
Filed: April 5, 2004)	Confirmation No.: Unassigned
For: METHOD AND APPARATUS FOR)	
ADJUSTING A SLUMP IN)	
WASHING CONCRETE MIXING)	
TRUCKS)	

PETITION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Stuart Bentley and Kevin J. McCabe are listed joint inventors of the invention claimed in the above-identified U.S. Patent Application. It is requested that Kevin J. McCabe be permitted to make a declaration of inventorship in connection with the above identified U.S. Patent Application on behalf of Stuart Bentley for the following reasons.

Stuart Bentley has refused and refuses to sign the Declaration under 37 C.F.R. § 1.63 in connection with the above-identified U.S. Patent Application, and in a letter dated May 25, 2004, Stuart Bentley indicated that he does not intend to sign the Declaration in connection with the above-identified U.S. Patent Application, absent certain conditions that are not acceptable to the assignee.

The last known address of Stuart Bentley is:

1508 Duffland Drive
Landisville, Pennsylvania
17538

The present application is a continuation of S.N. 10/625,607 which is now abandoned.

On July 25, 2003, a copy of the specification that was filed in the parent application, the corresponding Declaration of Inventorship, and a cover letter requesting that Stuart Bentley review the specification and sign and return the Declaration were sent to Stuart Bentley.

Two statements of facts, the fee required by 37 C.F.R. § 1.17(a), and a declaration signed by the joint inventor Kevin McCabe are submitted herewith.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 16, 2003

By: William C Rowland
William C. Rowland
Registration No. 30,888

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Attachments

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY OR DESIGN PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR ADJUSTING A SLUMP IN WASHING CONCRETE MIXING TRUCKS

the specification of which (check only one item below):

- ☐ is attached hereto, and was amended on _____ (if applicable).
- ☒ was filed as United States application number 10/816,832 on April 5, 2004
and was amended on _____ (if applicable).
- ☐ was filed as PCT international application number _____ on _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §§119 (a)-(d), 172 or 365(a) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §§119(a)-(d), 172 or 365(a):			
COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (MM/DD/YYYY)	PRIORITY CLAIMED UNDER 35 U.S.C. §§119, 172 or 365(a)
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the attorneys and agents associated with the following PTO Customer Number of Burns, Doane, Swecker & Mathis, L.L.P. to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and transact all business in connection with international applications directed to said invention:

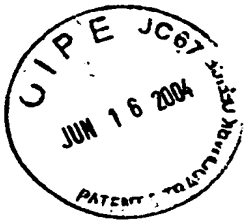
Customer Number **2 1 8 3 9**

Address all correspondence to: BURNS, DOANE, SWECKER & MATHIS, L.L.P.
Customer Number **2 1 8 3 9**
P.O. Box 1404
Alexandria, Virginia 22313-1404

Address all telephone calls to: William C. Rowland at (703) 836-6620.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor	Stuart Bentley
Signature	
Date	
Residence (City, State, Country)	Landisville, Pennsylvania, United States
Citizenship	U.S.
Post Office Address	1508 Duffland Drive, Landisville, Pennsylvania 17538
Full Name of Second Joint Inventor, If Any	Kevin J. McCabe
Signature	<i>Kevin J. McCabe</i>
Date	<i>5-11-04</i>
Residence (City, State, Country)	Lockport, New York, United States
Citizenship	U.S.
Post Office Address	65 South New York Street, Lockport, New York 14094



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Group Art Unit: Unassigned
Stuart Bentley et al.)	Examiner: Unassigned
Application No. 10/816,832)	Confirmation No.: Unassigned
Filed: April 5, 2004)	
For: METHOD AND APPARATUS FOR)	
ADJUSTING A SLUMP IN)	
WASHING CONCRETE MIXING)	
TRUCKS)	

STATEMENT OF FACTS UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, William C. Rowland, hereby state:

that a copy of U.S. Patent Application No. 10/625,607 and a corresponding Declaration of Inventorship under 37 C.F.R. § 1.63 were sent to Stuart Bentley at Lafarge North America, 300 E. Joppa Road; Suite 200; Towson, Maryland 21286 with a letter dated July 25, 2003 for his review and signature;

that a copy of the July 25, 2003 letter to Stuart Bentley is attached;

that the present application (S.N. 10/816,832) is a continuation of S.N. 10/625,607, and except for the first paragraph (Cross-Reference to Related Application) is the same as S.N. 10/625,607; and

that Stuart Bentley has not returned to me an executed declaration for either
S.N. 10/625,607 or S.N. 10/816,832.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 16, 2004

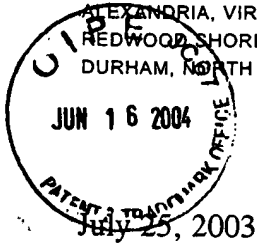
By: William C. Rowland
William C. Rowland
Reg. No. 30,888

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

BURNS DOANE

BURNS DOANE SWECKER & MATHIS LLP
ATTORNEYS AT LAW

ALEXANDRIA, VIRGINIA
REDWOOD SHORES, CALIFORNIA
DURHAM, NORTH CAROLINA



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WILLIAM C. ROWLAND

E-MAIL - BILLR@BURNSDOANE.COM

TELEPHONE: +1.703.838.6510

Stuart Bentley
Lafarge North America
300 E. Joppa Road
Suite 200
Towson, Maryland 21286

Re: New U.S. Patent Application
**"METHOD AND APPARATUS FOR
ADJUSTING A SLUMP IN AND
WASHING CONCRETE MIXING TRUCKS"**
Our Reference: 015291-080

Dear Stuart:

We filed the above-identified patent application in the U.S. Patent and Trademark Office on July 24, 2003. Copies of the application and transmittal letter are enclosed for your file.

Declaration and Assignment forms are enclosed. Although a deadline has not yet been set, the Declaration will likely be due in about two months.

U.S.P.T.O. rules require that material prior art information be submitted to the Patent Office within three months of the filing of the application or before the issuance of the first Official Action on the merits, whichever comes last. Later-filed prior art may require additional fees or procedures, depending on the time of discovery and submission to the U.S.P.T.O. Accordingly, we recommend that you provide us with all material prior art information within two months of the U.S. filing date so that we may comply with the three-month deadline.

Thank you for allowing us to be of assistance to you in this matter. We will keep you promptly advised of further developments.

Very best regards,

William C. Rowland

WCR/sls

Enclosures

cc: Tim Power

Patent
Attorney's Docket No. 015291-144

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Stuart Bentley et al.)	Group Art Unit: Unassigned
Application No. 10/816,832)	Examiner: Unassigned
Filed: April 5, 2004)	Confirmation No.: Unassigned
For: METHOD AND APPARATUS FOR)	
ADJUSTING A SLUMP IN)	
WASHING CONCRETE MIXING)	
TRUCKS)	

STATEMENT OF FACTS UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Timothy A. Power, hereby state that I am legal counsel for Lafarge North America Inc.;

that Stuart Bentley has not returned to me an executed declaration for the above captioned application or its parent application, S.N. 10/625,607; and

that I received a letter (copy of which is attached) from Stuart Bentley dated May 25, 2004 indicating that Stuart Bentley refuses to sign a patent declaration absent unreasonable compensation.

Respectfully submitted,

Date: June 15, 2004

By: 

Timothy A. Power
Lafarge North America Inc.



May 25, 2004

RE: Confidential

Timothy A. Power

Lafarge North America Inc.
12950 Worldgate Dr. Suite 500
Herndon, VA 20170

Dear Mr. Powers

I have prepared this letter in response to the letter I received dated May 10, 2004.

At this time, I prefer not to comment on the details contained in your letter, other than to say that I disagree with the facts and the legal conclusions you have stated.

As a prerequisite to signing any patent documents (such as the power of attorney and assignment), I would be open to a negotiated settlement of the patent ownership and other rights. At a minimum I would agree to assign ownership of the patent to Lafarge in exchange for an unlimited license to me to use and sublicense it and so long as only Lafarge and [REDACTED] have similar rights.

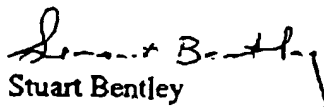
Alternatively, I would be willing to sell my rights completely to Lafarge in exchange for a payment of \$[REDACTED]K. This figure is based on a conservative estimate of the earning potential for the patent.

Please respond to this letter to my legal counsel, information provided below.

Josh Cohen
Hartman Underhill and Brubaker LLP
221 East Chestnut Street
Lancaster, PA 17602

Office (717) 299-7254
Fax (717) 299-3160

Regards,


Stuart Bentley

Cc: Joshua Cohen, Esq.